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Accepted / Filed

May 18, 2017

MAY 18 2017

Federal Communications Commission  
Office of the Secretary

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VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51

Dear Ms. Dortch:

In accordance with the *Second Protective Order* for the above-captioned proceedings, Sorenson Communications, LLC (“Sorenson”) submits a redacted version of the attached Motion in the above-referenced proceedings.

Sorenson has designated for Highly Confidential treatment the marked portions of the attached document pursuant to the *Second Protective Order* in CG Docket Nos. 03-123 and 10-51.<sup>1</sup> Sorenson’s Motion includes information that provides granular information about a Submitting Party’s past, current or future costs, revenues, marginal revenues, or market share, and future dividends. As such these materials fall under Item 3 in Appendix A of the *Second Protective Order*.

Pursuant to the protective order and additional instructions from Commission staff, Sorenson is filing a redacted version of the document electronically via ECFS, one copy of the Highly Confidential version with the Secretary, two copies of the redacted version with the Secretary, and sending copies of the highly confidential version to Eliot Greenwald, Robert Aldrich, and Michael Scott of the Consumer and Governmental Affairs Bureau and the TRS Reports mailbox.

<sup>1</sup> *Structure & Practices of the Video Relay Serv. Program; Telecomms. Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities*, Second Protective Order, DA 12-858, 27 FCC Rcd 5914 (Cons. & Gov’t Affs. Bur. 2012).

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Please contact me if you have any questions regarding these matters.

Sincerely,

*/s/ Rebekah P. Goodheart*

Rebekah P. Goodheart

Attachment

cc: Eliot Greenwald  
Robert Aldrich  
Michael Scott  
TRSReports@fcc.gov

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

MAY 18 2017  
Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
Structure and Practices of the Video Relay	)	CG Docket No. 10-51
Service Program	)	
	)	
Telecommunications Relay Service and Speech-	)	CG Docket No. 03-123
to-Speech Services for Individuals with Hearing	)	
and Speech Disabilities	)	

### MOTION FOR EXTENSION OF TIME

Sorenson Communications, Inc. (“Sorenson”) respectfully requests that the Federal Communications Commission (“Commission”) extend the deadlines associated with the trials of skills-based routing and deaf interpreters (the “Trials”) announced in its March 23, 2017 Order.<sup>1</sup> As Sorenson has explained in previous filings in this proceeding, Sorenson strongly supports the Trials and hopes to be an active participant. To assess the feasibility of doing so and implement necessary procedures, Sorenson requests an extension of the time to elect whether to participate in the Trials. As explained below, a brief extension will afford VRS providers a realistic opportunity to ensure that the Trials are feasible, and a slight delay of the start date for the Trials in order to allow time for participating providers to take the necessary implementation steps to ensure for successful Trials.

Specifically, Sorenson requests that (1) the deadline for providers to announce to the Commission their intent to participate in the Trials be extended from June 1, 2017 until 60 days from the Commission’s adoption of VRS compensation rates for 2017-2018 funding year, and (2)

<sup>1</sup> *In re Structure and Practices of the Video Relay Service Program*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, FCC 17-26, 32 FCC Rcd 2436 (2017) (“Order”).

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the start date of the 8-month Trial periods be extended from August 1, 2017 to 180 days following the adoption of such rates. For the reasons explained below, the requested extensions will ultimately benefit the Commission and the public interest by encouraging broader participation in the Trials and maximizing the data that results from them, without any corresponding harm or undue delay.

### **I. VRS PROVIDERS NEED CERTAINTY REGARDING COMPENSATION RATES BEFORE DECIDING WHETHER TO PARTICIPATE IN THE TRIALS.**

There is good cause to extend the deadline for providers to announce their intent to participate in the Trials until after the Commission has set compensation rates for funding year 2017-2018 and beyond.<sup>2</sup> Such an extension will enable VRS providers to make informed business decisions and thereby maximize participation in and success of the Trials. As the Order recognizes, a provider's decision regarding "whether and how extensively to participate" in the Trials will depend on an individualized determination of how they fit into each provider's budget and business plan.<sup>3</sup> For its part, Sorenson supports the Trials, believes they may bring benefits to the deaf community, and is hoping to participate in both. But, as Sorenson and other VRS providers have previously explained, the Trials will be more expensive than providers' normal operating costs.<sup>4</sup> For example, interpreters handling skills-based calls generally will have more years of experience and more training than standard interpreters, which means that they will command a higher rate in the labor market. Likewise, insofar as the deaf interpreter trial is concerned, having deaf interpreters available to assist with calls will result in increased overhead

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<sup>2</sup> See generally 47 C.F.R. §§ 1.3, 1.46.

<sup>3</sup> See Order, 32 FCC Rcd at 2439 ¶ 7.

<sup>4</sup> See, e.g., Order ¶ 9; Letter from Paul C. Besozzi to Marlene H. Dortch at 11 & n.36, CG Docket No. 10-51 (filed Jan. 31, 2017); *In re Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Sorenson Communications, Inc. Comments on VRS Improvements at 10-11 (filed Jan. 4, 2016).

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costs for providers. To ensure it is feasible to participate, VRS providers need to evaluate these costs—both independently and as part of their overall budgets—to decide whether and to what extent to participate in one or both of the Trials.

Under the current timeline, however, VRS providers must make decisions about their participation in the Trials without knowing what the compensation rates for 2017-2018 funding year or going forward will be—information that is key to determine the feasibility of participating in the Trials. For example, under the other VRS providers' tiered rates proposal, all providers other than Sorenson would see a significant increase in their compensation, while Sorenson's annual compensation would drop between \$20-30 million. At least as far as Sorenson is concerned, such a rate reduction would necessarily require significant changes to its business and could well limit the extent to which it can participate in the Trials and/or the parameters of such participation. Thus, although Sorenson supports the Trials and would like to participate to help the Commission to assess the implications of making such services a permanent part of the VRS scheme, it will be difficult for Sorenson to do so without knowing the rates for next year, particularly when such drastic potential impacts to their budgets remain unresolved.<sup>5</sup> Indeed, regardless of the outcome of the Commission's rate-setting process, expecting *any* provider to make financial commitments without compensation information is both unrealistic and unnecessary.

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<sup>5</sup> For example, depending on the compensation rates announced by the Commission, Sorenson may decide to reduce the length of its participation in the Trials in order to offset the costs of the Trials against a loss in compensation from the TRS Fund.

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Adding to the uncertainty is the recent Public Notice seeking comment on the TRS Fund administrator's proposed provider compensation rates for the 2017-2018 funding year.<sup>6</sup> Among other things, the Public Notice seeks comment on Rolka Loube's proposal to "[r]econsider the Commission's position on not allowing additional reimbursement for calls subject to skills-based routing during the eight-month trial of that practice."<sup>7</sup> Sorenson believes there is merit to Rolka Loube's proposal and, in this case, the Public Notice underscores the rationale for waiting until the 2017-2018 funding year rates are set before requiring providers to make their election for participation in the Trials.

The brief extension will give VRS providers adequate time to evaluate their business plans and evaluate the feasibility of participating in the trials. Moreover, the requested extension will cause neither harm nor undue delay.

**II. EXTENDING THE START DATE OF THE TRIALS WILL GIVE PROVIDERS TIME TO IMPLEMENT OPERATIONAL AND NETWORK CHANGES NEEDED TO RUN SUCCESSFUL TRIALS.**

Similarly, an extension of the start date for the Trials, currently scheduled to begin on August 1, 2017, is also warranted. Participation in the Trials will require significant changes to both Sorenson's operations and its IT systems. With respect to its operations, Sorenson will need to implement a variety of processes and procedures across various parts of its business in order to run Trials. These include (1) designing and implementing a certification/qualification process; (2) recruiting and hiring skilled interpreters and additional certified deaf interpreters sufficient to meet demand; (3) training qualified certified deaf interpreters and skilled interpreters on the proper

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<sup>6</sup> *Rolka Loube Associates Submits Payment Formulas And Funding Requirement For The Interstate Telecommunications Relay Services Fund For The 2017-18 Fund Year*, CG Docket Nos. 03-123, 10-51, Public Notice, DA 17-445 (May 10, 2017).

<sup>7</sup> *Id.* at 3.

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processes for handling calls; (4) conducting studies on the number of expected calls to ensure that staffing and scheduling processes are properly aligned to handle call volumes; and (5) providing enough lead time to schedule interpreters ahead of work days (currently six weeks in advance). These and other changes are integral to running successful Trials, because they will ensure that the Trials are properly staffed and managed—both of which are necessary to provide a positive user experience and useful data for the Commission to analyze in deciding how to move forward after the Trials are completed.

Equally important, Sorenson will need to make changes to its network and IT systems prior to participating in the Trials. Specifically, the necessary adjustments will include (1) endpoint changes that will make it possible for deaf users to indicate the need for a skill; (2) the development of systems for providing skill-specific hold servers, in addition to a process for notification of deaf interpreters and/or remote teaming; (3) the development of systems for routing calls requiring specific skills to qualified interpreters at Sorenson's national centers; (4) the development of systems for tracking the metrics required by the Commission as part of the Trials; and (5) time to test each of these systems and release any needed changes into production. Sorenson will need an additional 120 days after deciding whether to participate in the Trials to implement such changes. As with the operational changes, these network and IT changes are necessary to run the Trials, and will ultimately benefit both the public and the Commission by ensuring that the Trials run successfully and that reliable data results from them. Sorenson estimates its cost of making these operations and systems changes between **\*\*\*BEGIN HIGHLY CONFIDENTIAL INFORMATION\*\*\*** **\*\*\*END HIGHLY CONFIDENTIAL INFORMATION\*\*\***, also subject to final business decisions based on 2017-2018 rate.

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Finally, the additional time may be warranted to ensure that all VRS providers use consistent parameters and processes for the Trials. Evaluating the success and impact of the Trials may be challenging for the Commission if all VRS providers conduct the Trials with different processes. Thus, to facilitate the Commission's analysis and ensure that the Trials are successful, the Commission should permit additional time to consider how best to make sure that all participating VRS providers use a consistent framework.

**CONCLUSION**

For the foregoing reasons, Sorenson respectfully requests that the Commission extend the deadline for providers to announce their intent to participate in the Trials to 60 days following the adoption of compensation rates for 2017-2018 funding year, to extend the start date of the Trial periods to 180 days following the adoption of new rates, and grant all such other relief as may be just and proper.

May 18, 2017

Respectfully submitted,

/s/ Rebekah P. Goodheart

Rebekah P. Goodheart

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